

REMARKS

Section 102 Rejection

In the Office Action, the Examiner rejected Claims 1-8, 10-17, 20-22 and 24-30 under 35 U.S.C. §102(a) as being anticipated by "Data-over-Cable Service Interface Specification ("DOCSIS") Radio Frequency Interface Specification (SP-RFI-I04-980724), hereinafter "DOCSIS". The Applicants respectfully traverse the Examiner's rejections of Claims 1-8, 10-17, 20-22, and 24-30 based on the following Section 102 Remarks. Claims 1, 12, 20, 24, 26, 28, and 29 are in independent format.

Section 102 Remarks

Claims 1-19 and 28-30, as originally filed, and claims 20-27, as amended, in includes a "service session profile" element. Contrary to the Examiner's assertion, DOCSIS does not show, describe or disclose, explicitly or inherently, the service session profile element as claimed and described by the Applicants.

The Examiner has asserted that burst profiles and descriptors as set forth in the DOCSIS reference are the same as the service session profiles set forth in the Applicants' pending claims. Specifically, the Examiner asserts "[u]pon sending a message requesting bandwidth, the headend may grant or deny the request, however, assuming the CMTS grants access." The Examiner further asserts "the CMTS must manage the appropriated bandwidth for the cable modem, thereby inherently creating a service session profile." The Examiner also asserts that DOCSIS teaches using burst profiles (see 4.2.6 on page 26), which manages the bandwidth assignments for the cable modems as controlled via the CMTS, which reads on the claimed service session profile."

Contrary to these assertions, DOCSIS does not disclose the service session profile as claimed by the Applicants. The burst profiles, such as those supported by the CM and commanded by the CMTS via the Burst Descriptors in the UCD (Section 6.3.2.2), and disclosed in section 4.2.6 of the DOCSIS specification relate to RF characteristics of the cable modem, such as the QPSK or QAM parameters. Unlike the physical layer characteristics of the burst profiles for the cable modem, the claimed service session profiles relate to desired services, such as class of service or quality of service parameters. Furthermore, the service session profiles created or used as set forth in the claims are associated with service devices (e.g., VoIP telephones), which in turn are associated with a first network device, such as a cable modem.

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Vardegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987). The DOCSIS reference fails to expressly disclose, suggest or teach the service session profiles, which is an element of the pending claims. Nor does the DOCSIS reference inherently teach the features of the Applicants' invention. Applicants therefore submit that claims in their present form are allowable and request the Examiner withdraw the rejection of claims 1-30.

Section 103 Rejections

In the Office Action, the Examiner rejected Claims 9 and 18 under 35 U.S.C 103(a) as being unpatentable over DOCSIS. Further, the Examiner rejected Claims 19 and 23 under 35 U.S.C. 103(a) as being unpatentable over DOCSIS in view of U.S. Patent No. 6,337,858 to Petty et al ("Petty"). The Applicants respectfully traverse the Examiner's rejections of Claims 9, 18, 19 and 23 based on the following Section 103 Remarks.

Section 103 Remarks

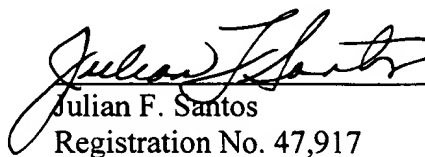
Under 35 U.S.C. § 103, to support the conclusion that the claimed invention is directed to obvious subject matter, a reference must expressly or impliedly suggest the claimed invention. *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The arguments from Section 102 Remarks are incorporated herein by reference. Neither the DOCSIS nor Petty references expressly or impliedly teach or suggest the concept of the claimed service session profiles. Thus, either alone or combined the DOCSIS and/or Petty reference do not teach or suggest the claimed invention. Claims 9, 18, 19 and 23 depend from Claims 1, 12, 12, and 20 respectively, and thus, for the reasons provided above, dependent claims 9, 18, 19 and 23 make them individually allowable.

Conclusion

The Applicants submit that the application is in good and proper form for allowance, and the Applicants respectfully request the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-3304.

Respectfully submitted,

McDONNELL BOEHNEN
HULBERT & BERGHOFF


Julian F. Santos
Registration No. 47,917



**Marked-Up Copy of Claims
Pursuant to 37 C.F.R. § 1.121(c)(ii)**

1. (Twice Amended) In a data-over-cable system including a plurality of network
5 devices, a method for providing dynamic services, comprising the following steps:

receiving a first message on a second network device on a data-over-cable system from a
first network device on the data-over-cable system, wherein the first message includes a plurality
of service parameters for a desired service for a service device associated with the first network
device;

10 extracting the plurality of service parameters for the desired service from the first
message;

creating a service session profile for the desired service, wherein the service session
profile includes one or more of the extracted service parameters required by the desired service,
and wherein the service session profile is used by a session server associated with the data-over-
15 cable system to activate the desired service;

associating the service session profile with a deferred inactive service identifier for
assigned to the first network device, wherein the deferred inactive service identifier is used to
activate the desired service at a later time; and

20 returning the deferred inactive service identifier to the first network device in a second
message.

12. (Amended) In a data-over-cable system including a plurality of network devices, a
method for providing dynamic services, comprising the following steps:

receiving a service request from a first network device on a second network device on a data-over-cable system to activate a desired service for a service device associated with the first network device, ~~wherein the service request includes a deferred inactive service identifier,~~ wherein a service session profile for the desired service is associated with the deferred inactive service identifier ~~sent to the first network device by the second network device,~~ and wherein the service request is initiated by ~~a~~ the service device associated with the first network device;

activating the desired service on the data-over-cable system using ~~a~~ the service session profile associated with the deferred inactive service identifier ~~created during a registration of the first network device with the second network device;~~

changing the deferred inactive service identifier into a deferred active service identifier, whereby the service session profile for the desired service becomes associated with the deferred active service identifier; and

generating a service event on a service server associated with the data-over-cable system to request activation of the desired service.

20. (Amended) In a data-over-cable system including a plurality of network devices, a method for providing dynamic services, comprising the following steps:

receiving a service request from a first network device on a second network device on a data-over-cable system to deactivate a desired service for a service device associated with the first network device, wherein the service request includes ~~an~~ a deferred active service identifier, wherein a service session profile for the desired service is associated with the deferred active service identifier, ~~and~~ wherein the service request is initiated by ~~a~~ the service device associated with the first network device;

deactivating the desired service on the data-over-cable system using the service session profile associated with the deferred active service identifier;

changing the deferred active service identifier into a deferred inactive service identifier;
and

5 generating an event on a service server associated with the data-over-cable system to request deactivation of the desired service.

24. (Amended) In a data-over-cable system including a plurality of network devices, a method for providing dynamic services, comprising the following steps:

10 sending a service request from a first network device on a data-over-cable system to a second network device on the data-over-cable system to activate a deferred inactive service for a service device associated with the first network device, wherein the service request includes ~~an~~ a deferred inactive service identifier sent to the first network device by the second network device, wherein the deferred inactive service identifier is associated with a service session profile for the
15 deferred inactive service, wherein the service session profile is used to activate the deferred inactive service ~~that is used to activate a deferred inactive service,~~ and wherein the service request is initiated by ~~a~~ the service device associated with the first network device; and

receiving a service notification from a service server associated with the second network device indicating that the deferred inactive service has been activated by the second network
20 device.

26. In a data-over-cable system including a plurality of network devices, a method for providing dynamic services, comprising the following steps:

5 sending a service request from a first network device on a data-over-cable system to a second network device on the data-over-cable system to deactivate a desired service for a service device associated with the first network device, wherein the service request includes an deferred active service identifier created from a deferred inactive service identifier sent to the first network device by the second network device, wherein the deferred inactive service identifier is associated with a service session profile for the desired service, wherein the service session profile is used to deactivate the desired service, and wherein the service request is initiated by a service device associated with the first network device; and

10 receiving a service notification from a service server associated with the second network device indicating that the deferred active service has been deactivated by the second network device.

28. (Amended) A system for providing dynamic services to a network device in data-over-cable system, comprising in combination:

15 a network device for providing a desired service requested by a service device associated with the network device;

a service session profile for a desired service for the service device associated with the network device, wherein the service session profile includes ing one or more of the service parameters required for a the desired service, and wherein the service session profile is used by a
20 service server associated with a data-over-cable system for activating the desired service;

a deferred ~~inative~~ inactive service identifier associated with the service session profile for allowing activation of a desired service;

a deferred active service identifier created from a deferred inactive service identifier for indicating that a desired service is active; and

a service event generator for generating a service event on a service server to request a change in status of a desired service on a data-over-cable system.